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December 10, 2008

Fair Political Practices Commission  
Mr. Ross Johnson, Chair  
428 J Street, Suit 620  
Sacramento, CA 95814

RE: Opposition to Proposed Regulation 18420.01 -- Agenda Item 17

Dear Chairman Johnson:

I write on behalf of my client, the California School Boards Association, to oppose adoption of proposed Regulation 18420.1. We join the comments submitted by the California League of Cities, California State Association of Counties, and City of Salinas in their opposition to the Regulation.

We also write to point out that adoption of the Regulation is contrary to the holding of the First District Court of Appeals in Gray Davis v. American Taxpayers Alliance (2002) 102 Cal.App.4<sup>th</sup> 449.

In that case, the Court held that the Political Reform Act's provision defining reportable expenditures, including Government Code section 82025, 82031, and California Code of Regulations, Title 2, section 18225, are to be construed to apply only to those communications that contain express advocacy. (*Id.* at 471.)

As drafted, the regulation impermissibly changes the standard for reporting expenditures of public agency communications from an "express advocacy" standard to a "fair and impartial" standard.

We therefore urge you not to adopt the proposed Regulation.

Sincerely,

OLSON HAGEL &amp; FISHBURN, LLP



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